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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,104

09/30/2003

Yehia El-Ibiary

03-RE-021 REEL:0045

4792

7590

03/15/2006

Alexander M. Gerasimow
Allen-Bradley Company, LLC
1201 South Second Street
Milwaukee, WI 53204-2496

EXAMINER

NGHIEM, MICHAEL P

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,104

Applicant(s)

EL-IBIARY, YEHA

Examiner

Michael P. Nghiem

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-25, 27-32, 34-41, 44-46, 56, 57, 59-64 and 66-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-25, 27-32, 34-41, 56, 57, 59-61 and 67-69 is/are allowed.
- 6) ☒ Claim(s) 44-46, 62-64 and 66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The Amendment filed on December 28, 2005 has been acknowledged.

Withdrawal of Allowability

The indicated allowability of claims 47 (cancelled, now in claim 44) and 65 (cancelled, now in claim 62) is withdrawn in view of the newly discovered reference(s) to Legatt et al. (US 6,530,821). Rejections based on the newly cited reference(s) follow.

Claim Objections

Claims 44 and 45 are objected to because of the following informalities:

- claim 44, the resistance data (line 2) should be related to the cable resistance data (line 5).
- claim 45, means for obtaining electrical parameters lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 62-64 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Is merely establishing data or estimating parameters a tangible result? It appears that the establishing resistance data and estimating electrical parameters are not tangible results. The data or parameters have not been stored, displayed, or used in any tangible manner, merely established or estimated. Therefore, it raises a question as to what the tangible result of the process is.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44-46, 62-64, and 66 are rejected under 35 U.S.C. 102(e) as being anticipated by Legatt et al. (US 6,530,821).

Regarding claims 44, 62, and 66, Legatt et al. discloses a system and method (Figs. 1, 3) comprising:

- means for establishing resistance data (establishing resistance of cable 144, column 8, line 66 – column 9, line 3; column 9, lines 11-12) based on input data (e.g. temperature, column 9, lines 11-12) of an electric motor (86, column 8, lines 62-63);
- means (comprises microcontroller 142) for estimating electrical parameters (current values, column 8, lines 62-63) of the electric motor (column 8, line 62) based on the resistance data and electrical input data of the electric motor (column 8, lines 63-66); and
- means for establishing cable resistance data (column 8, line 66 – column 9, line 3) based on a cable gauge (column 8, line 67 – column 9, line 1), a number of cables per phase (1 cable per five feet phase length, column 8, lines 66-67), a cable length (five feet, column 8, lines 66-67), and a cable temperature (column 9, lines 11-12).

Regarding claims 45 and 63, Legatt et al. discloses means for estimating at least one operating parameter (nominal current value) of the electrical motor based at least partially on the means for obtaining electrical parameters (column 8, lines 62-63).

Regarding claims 46 and 64, Legatt et al. discloses means for establishing current resistance data (current cable resistance) based on current temperature data (current temperature) and baseline temperature (in view of suitable adjustment made due to

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temperature, column 9, lines 18-19) and resistance data (column 8, line 66 – column 9, line 3).

Allowable Subject Matter

Claims 16-25, 27-32, 34-41, 56, 57, 59-61, and 67-69 are allowed.

Reasons For Allowance

The **combination** as claimed wherein a customer motor database having operational data of customer motors, motor applications, and performance data of the customer motors (claim 67) or a motor loss database having power losses correlated with various parameters of the electric motor (claim 68) or the data storage and access module comprises a data population module adapted to populate fields of the motor estimation module with logged data for a desired test of the electric motor (claim 69) is not disclosed, suggested, or made obvious by the prior art of record.

The reasons for allowance of the other claims have been indicated in the previous Office Action.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-H.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MICHAEL NGHIEM
PRIMARY EXAMINER**

Michael Nghiem

March 13, 2006